

DETAILED ACTION

Applicant's election with traverse of Group I in the reply filed on September 26, 2007 is acknowledged. The traversal is on the ground(s) that "the examiner has made no showing that the inventions 'are not connected in design, operation, or effect under the disclosure of the particular application under consideration' so as to constitute separate inventions." This is not found persuasive because each invention group would have required a separate search burden, as elements of the claims are drawn to very different concepts, thus rendering them separate inventions. Group II discusses security procedures not present in Group I, for example. Time considerations in Group III, for example, are also distinct from the other groups. This creates a separate burden, and is thus classified as a distinct invention. Furthermore, the media player disclosure in Group IV constitutes yet another distinction from the other inventions. Because the groups' focuses distinguish from one another, teach different concepts, and are classified in different classes and subclasses, the restriction requirement is proper.

The requirement is still deemed proper and is therefore made FINAL.

This application contains claims 4-20, 22-27, and 35-41 drawn to inventions nonelected with traverse in the reply filed on September 26, 2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vishwanath (U.S. 2005/0149759) in view of Wiser (U.S. 6,385,596).

As per claim 1, Vishwanath teaches a method for distributing data over a network comprising: issuing a certificate and a private key to a client for identifying the client in a transaction (paragraph 0702); storing the certificate and the private key in a portable token of the client and used by the client during a transaction, the portable token being a physical device removeably coupleable to a client computer (0702, figure 13; where the card is removeably coupleable); verifying a digital signature using the certificate stored in the token before distributing data to the client (0702, 0515); and distributing the data to the client (Abstract). Vishwanath does not specifically teach the generation of a message linking the data being downloaded. Wiser teaches the generation of a message linking the data being downloaded to the client with at least part of a distinguishing number for the token used by the client during a transaction (column 17, line 55 - column 18, line 36); and distributing the data and a receipt to the client (column 17, lines 22-25; column 17, line 55 - column 18, line 36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the message

generation associating the file and the token, as taught by Wiser in the system of Vishwanath. The motivation for doing so lies in the fact that having a message linking the token with the file would allow for improved bookkeeping of download data, for example. Both inventions are from the same field of endeavor, namely the secure distribution of media. Though suggested, Vishwanath-Wiser does not specifically teach that the receipt is the message linking the file and the distinguishing number of the token. It would have been obvious to one of ordinary skill in the art to explicitly include that the receipt contains both the file information and the distinguishing number of the token (for example, a receipt with part of a credit card number, or smart card used to purchase the file, along with the file purchased). This concept is ubiquitous in the art of online purchases, and would have been obvious to explicitly include in the system of Vishwanath-Wiser.

As per claim 2, Vishwanath-Wiser teaches the method of claim 1, further comprising providing the client with information necessary for establishing an account (Wiser: column 10, lines 18-34).

As per claim 3, Vishwanath-Wiser teaches the method of claim 2, further comprising providing the client with the token (Vishwanath: 0702).

As per claims 33 and 34, Vishwanath-Wiser teaches the method of claim 1, but does not specifically teach that the distinguishing number for the token is assigned to the token by a manufacturer and that the number is permanently assigned to the token. It would have been obvious to one of ordinary skill in the art at the time of the invention to include that the distinguishing number is permanently assigned by a manufacturer, as this concept is well known to one of ordinary skill in the art. As an example, in the issuance of ID cards, RSA devices, and

keycards, a distinguishing number is permanently assigned by a manufacturer to the device. The purpose of this is to keep track of the particular token, and to be able to easily sort transactions associated with a particular number, for example. This increased organization would allow for further efficiency of the invention, and would have been obvious to one of ordinary skill in the art at the time of the invention.

Response to Arguments

Applicant's arguments filed on June 7, 2007 have fully been considered and are respectfully traversed by the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain
Patent Examiner
Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner,
Art Unit 2145